



# *Legislative Briefing*

## Internet Task Force Honored for Netting Predators

They keep a low profile on the Internet to catch people trying to abuse children. Now members of the Utah Internet Crimes Against Children Task Force are getting national attention for their unmatched ability to investigate, arrest and prosecute sexual predators.

The ICAC Task Force received the FBI Director's Award for Excellence for "Outstanding Support to the Law Enforcement Community." The multi-jurisdictional task force was given the award for bringing different agencies together to combat crimes against children and Internet child pornography. Utah's ICAC has become the most successful unit of its kind in the country and has set national records for arrests.

The Utah Task Force has investigated more than 300 cases and made more than 80 arrests since it began on January 1, 2000. So far the task force has a 100 percent conviction rate.

The award was given at the FBI Headquarters. The recipients of the award are:

**Ken Hansen**, Task Force Director, Utah Attorney General's Office; **Jason Perry**, Assistant Attorney General, Utah Attorney General's Office; **Barbara Haugsoen**, Grant Writer, Utah Attorney General's Office; **David Rose**, Special Agent, State Bureau of Investigations, Dept. of Public Safety; **Rhett McQuiston**, Adult Probation and Parole Agent, Department of Corrections; **Ryan Atack**, Detective, Salt Lake City Police Department; **Scott Snyder**, Special Agent, Federal Bureau of Investigations; **Augustus Fennerty**, Special Agent, Federal Bureau of Investigations.

## Utah, We Have a Drug Problem

After one and a half years of prosecuting methamphetamine cases, the stories are starting to sound the same for Colleen Coebergh. The man has a wife, kids, job and a mom who loves him. He starts abusing meth, learns to make it and loses everything.

The work can be routine, but it is always challenging for the two lawyers working in the Methamphetamine Unit at the Utah Attorney General's Office. Coebergh and Brenda Beaton have been assigned to fight what has become the number one menace in Utah.

"Our primary purpose is to prosecute meth lab cases," says Beaton. On a typical week the Meth Unit attorneys will make 44 appearances in court, attend three grand jury hearings, file five new cases, send three people to jail, put two on probation and help ship off one meth cook to prison. During the last 30 months the Meth Unit has handled more than 700 cases, sent more than 120 people to prison and more than 100 to jail.

## Protecting Utah Consumers

The Attorney General's office works with state agencies and Attorneys General nationwide to protect Utah consumers. Here is a sampling of recent activity:

- ♦ Mortgage lender, Charles Maynard was ordered to pay \$5.6 million in restitution for defrauding investors and failing to pay taxes. He will be spending time in prison.
- ♦ ExxonMobil signed a voluntary agreement to implement enhanced precautions, guarding against the selling of tobacco products to minors. This is similar to the agreement signed with Walgreens earlier this year.
- ♦ The Utah Attorney General's office asked the FDA to halt marketing on a new candy-like tobacco product called "Ariva," which seems to be targeted toward young people and delivers as much nicotine as smoking a cigarette.
- ♦ State government and consumers received \$859,000 from an anti-trust suit settlement. Mylan Laboratories was accused in 1998 of orchestrating an illegal price increase on drugs used to treat anxiety, Alzheimer's disease and other afflictions.

## Mental Retardation and Death Penalty

In June 2002, the United States Supreme Court in *Atkins v. Virginia* prohibited capital punishment for the mentally retarded, who were convicted of capital crimes. The high court left it up to each state to implement this decision.

Today, proposed legislation will be presented to the Judiciary Interim Committee. The bill defines mental retardation for purposes of capital punishment and establishes procedures to implement the prohibition.

## Heffelfinger

Chief Deputy Attorney General Kirk Torgensen and Criminal Division Chief C.C. Horton, are assisting the Daggett County District Attorney Dennis Judd in prosecuting Lewis and Michael Heffelfinger. The father and son are alleged to have murdered Brad Gross and Kelly Carter. The pair were gunned down near Flaming Gorge Reservoir while hunting.

## Roska Case

A three-member panel of the Tenth Circuit Court of Appeals affirmed in part and reversed in part Judge Dee Benson's dismissal of the federal civil rights lawsuit regarding DCFS's placement of Rusty Roska into protective custody without a judicial warrant.

In reviewing the evidence in a light most favorable to plaintiffs as required on summary judgment, the Court held that there is sufficient evidence for a jury trial to determine whether DCFS child protection worker's violated plaintiffs' Fourth and Fourteenth Amendment rights by entering the Roska home and removing Rusty without sufficient exigent circumstances to justify an exception to the Fourth Amendment's warrant requirement. No legislation is needed because Rep. Hatch's H.B. 295, which passed in 2002, requires a judicial warrant before the removal of children without exigent circumstances.

## Rachael Alert Enhanced

The Rachael alert was announced on April 2, making Utah the ninth state to implement a statewide system. The plan received nationwide attention when Elizabeth Smart was kidnapped and the Salt Lake City Police Department initiated the state's first Rachael Alert. Since then, six more states have implemented a statewide plan and an additional 10 children have been rescued. In August, these improvements were made to Utah's Rachael Alert System:

- **Roadway Signs:** Motorists will be given information about child abductions at 61 electronic roadside signs along the Wasatch Front.
- **Highway Advisory Radio:** 13 radio transmitters will broadcast additional information about the kidnappings.
- **Trucker Advisories:** The Utah Trucking Association and the Department of Public Safety are implementing plans to notify truck drivers working in the state.

(please see next column)

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Ryan Mecham at 538-1948 or Attorney General Mark Shurtleff at 538-1191. Thank you.

## Protecting Utah Consumers (cont'd)

- The state asked Conoco Inc. and Phillips Petroleum Company to sell some assets in order to protect consumers from decreased competition in the petroleum industry, as a condition for proceeding with their merger.
- In *Ryan v. Telemarketing Associates, Inc.*, the Attorney General asked the Supreme Court to stop telemarketers from misrepresenting how charitable donations will be used.

## Rachael Alert (cont'd)

- **Telephone, Website and E-mail:** Abduction details will be available on the "511" travel information phone line, the travel information Web site at [www.CommuterLink.utah.gov](http://www.CommuterLink.utah.gov) and on CommuterLink E-mail alerts.
- **Age Criteria:** Broadcasters agreed to raise the age at which a victim is eligible for a Rachael Alert from under 16 to under 18.
- **Training:** The Attorney General's Web site now provides on-line training for law enforcement at <http://attorneygeneral.utah.gov/RachaelAlert/rachaelalert.htm>. Additional training has been given to broadcasters on Emergency Alert System Codes.
- **Testing:** Periodic tests will be conducted to make sure local broadcasters can receive and respond to Rachael Alerts.
- **Notification:** Law enforcement can now submit Rachael Alerts by E-mail, as well as by fax.
- **TRAK:** The Bureau of Criminal Identification will use the TRAK system to quickly produce thousands of flyers and send them throughout the state.